

## REMARKS

Reconsideration of the present application is respectfully requested.

Prior to this Response, Claims 1-47 were pending in the application, of which Claims 1, 14, 19, 30 and 35 are written in independent form.

The Examiner rejected Claims 1, 9, 12, 14, 16-19, 25, 28, 30, 32, 34, 35, 41 and 44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2004/0192331 to *Gorday et al.* (hereinafter *Gorday*). The Examiner rejected Claims 2-3, 6-8, 15, 20, 23-24, 31, 33-34, 36 and 39-40 under 35 U.S.C. § 103(a) as being unpatentable over *Gorday* in view of U.S. Patent No. 6,708,107 to *Impson et al.* (hereinafter *Impson*).

Please amend Claims 1, 6, 14, 18, 19, 23, 30, 35 and 39 as set forth herein. No new matter has been added. Please cancel Claims 17 and 33. Accordingly, Claims 1-16, 18-32 and 34-47 are pending herein.

Regarding the §102(e) rejection, Applicants respectfully disagree. *Gorday* discloses a method of targeting a message to a communication device selected from among a set of communication devices. In the embodiment of FIGs. 4 and 5, the devices are vehicles that participate in a network.

Claim 1 recites, *inter alia*, collecting, by a source vehicle, its own vehicle driving information, and creating vehicle management information of the source vehicle based on the vehicle driving information. A source vehicle in *Gorday* (e.g., 440) appears to collect information such as braking, speed and acceleration. However, it is respectfully submitted that *Gorday* does not appear to create vehicle management information of the source vehicle based on the vehicle driving information (i.e., the braking, speed or acceleration). Instead, vehicle management information in *Gorday*, which the Examiner may be considering as the directional and range information, is based on relative locations and directions of other vehicles as compared to the source vehicle.

Furthermore, the source vehicle's location and direction may be considered vehicle driving information as recited in Claim 1, but in contrast to Claim 1, the location and direction of not only the source vehicle (as in Claim 1), but also the other vehicles, is compared to arrive at what may be considered vehicle driving information in *Gorday*.

Further recited is setting up, by the source vehicle, a routing condition and a message reception condition composed of predetermined vehicle traveling requirements based on the vehicle management information, and transmitting a vehicle management information message having the routing condition, the message reception condition and the vehicle management information to nearby vehicles. *Gorday* does not set up of a routing condition and a message reception condition based on the vehicle management information, i.e., the directional and range information. *Gorday* merely determines whether a vehicular status such as braking or acceleration, may affect a vehicle having a condition-satisfying location. If so, it sends the vehicle a message containing the vehicular status (see [0016]). Accordingly, in *Gorday* there does not appear to be any message reception condition and routing condition composed of predetermined traveling requirements that are set up based on the vehicle management information, as set forth in Claim 1.

Likewise, the aforesaid message in *Gorday*, which may be considered a vehicle management information message, only contains the vehicular status, such as braking or acceleration. It does not, however, include the message reception condition and the routing condition composed of predetermined traveling requirements, as well as the vehicle management information, as recited in Claim 1. It is respectfully asserted that there does not appear to be any such vehicle management information message taught in *Gorday*.

Accordingly, the "searching" and "determining" recitations in Claim 1 are not met by *Gorday*, because they recite and rely on the vehicle management information message, of which *Gorday* appears to be devoid.

Respectfully, the foregoing arguments also apply to each of Claims 14, 19, 30 and 35, which include similar recitations to those found in Claim 1. For at least these reasons, Applicants

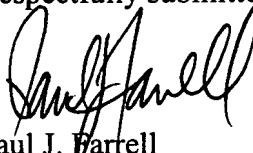
respectfully submit that the §102(e) rejection of Claims 1, 9, 12, 14, 16-19, 25, 28, 30, 32, 35, 41 and 44 is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

Regarding the §103(a) rejection of Claims 2-3, 6-8, 15, 20, 23-24, 31, 33-34, 36 and 39-40, Applicants respectfully submit that this rejection should be withdrawn at least in view of the arguments as to the §102(e) rejection, and further, since *Impson* fails to cure the stated deficiencies in *Gorday*. Accordingly, withdrawal of the same is respectfully requested.

Independent Claims 1, 14, 19, 30 and 35 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-13, 15-16, 18, 20-29, 31-32, 34 and 36-47, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-13, 15-16, 18, 20-29, 31-32, 34 and 36-47 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-16, 18-32 and 34-47, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicants

THE FARRELL LAW FIRM  
333 Earle Ovington Blvd. Suite 701  
Uniondale, New York 11553  
Tel: (516) 228-3565  
Fax: (516) 228-8475

PJF/RCC/dr